IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

MONDAY, THE 12TH NOVEMBER 2007 / 21ST KARTHIKA 1929

WP(C).No. 29882 of 2007(G)

PETITIONER:

SOBHA @ GLADYS D' CRUZ, W/O. LATE
P.R. D'CRUZ, AGED 60 YEARS, KATTUNILATH HOUSE,
KURISUPALLY ROAD, PERUMANNOOR, THEVARA P.O.,
KOCHI.

BY ADV. SRI.DENIZEN KOMATH

RESPONDENTS:

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1. THE DISTRICT COLLECTOR,
ERNAKULAM.

2. THE KERALA STATE HOUSING BOARD,
THIRUVANANTHAPURAM, REPRESENTED BY ITS SECRETARY.

3. THE ASSISTANT SECRETARY (LOANS),
KERALA STATE HOUSING BOARD, ERNAKULAM DIVISION,
KOCHI-36.

R2 & R3 BY ADV. SRI.A.JAYASANKAR, SC KSHB, TVM

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 12/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC, J.

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W.P.(C) No. 29882 OF 2007 G
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Dated this the 12th November, 2007

J U D G M E N T

The prayer in this writ petition is to quash Exts. P2 and P4 and to direct the respondents to consider Ext. P3 within a time frame. Petitioner submits that steps are now sought to be initiated for recovery of the dues which her husband owed to the 2nd respondent. According to the writ petitioner, she had made Ext. P3 representation seeking reduction of interest and waiver penal interest as well as an instalment facility to pay off the actual liability. She complains that ignoring the representation so made and without passing orders thereon, liability has been unilaterally quantified and steps are taken to recover the dues.

2. On instruction, the learned Standing Counsel for the 2nd respondent submits that Ext. P3 application made by the petitioner was received by the 2nd respondent after the period of one time settlement was over. It is also submitted that presently the liability of the petitioner has been quantified at Rs. 2,22,645/-.

3. Since the liability is admitted, and as the parties are governed by the terms of a contract, the liability of the petitioner has to be determined in terms thereof. Reduction is possible only if the 2nd respondent is willing to favourably consider Ext.P3 representation that is now pending without orders.

4. Irrespective of the fact that the period of one time settlement which was then in vogue is over, still as the petitioner has already made Ext. P3 representation which is admittedly pending without orders thereon, and as she is willing to discharge the liability, I dispose of this writ petition directing that the 2nd respondent shall consider and pass orders on Ext.P3 as expeditiously as possible, at any rate within a period of four weeks of receipt of a copy of this judgment.

Petitioner shall produce a copy of this judgment before the 2nd respondent for compliance.

ANTONY DOMINIC
JUDGE

jan/-